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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;
 ORACLE AMERICA, INC.; a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
 and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**DECLARATION OF BARBARA
 ANN FREDERIKSEN-CROSS IN
 SUPPORT OF ORACLE'S
 MOTION TO COMPEL AND
 MEMORANDUM OF POINTS AND
 AUTHORITIES RE POST-
 INJUNCTION DISCOVERY**

FILED UNDER SEAL

1 I, Barbara Ann Frederiksen-Cross, declare as follows:

2 1. I have been retained as an expert witness in this matter by Oracle USA, Inc.,
3 Oracle America, Inc., and Oracle International Corp. ("Oracle"). I submit this Declaration to
4 support Oracle's Motion to Compel and Memorandum of Points and Authorities Re Post-
5 Injunction Discovery. I have personal knowledge of the facts set forth in this declaration, and
6 could testify competently to them if asked to do so.

7 2. I am the Director of Litigation Services for JurisLogic, LLC ("JurisLogic").
8 JurisLogic is an Oregon corporation that provides consulting services to computer hardware and
9 software manufacturers and computer-related technical assistance to the legal profession in the
10 United States, Canada, Japan, Singapore, and Europe. JurisLogic specializes in providing
11 consulting services to corporations and attorneys on intellectual property matters (such a
12 copyright and patent infringement matters, and misappropriation of trade secrets) and performing
13 assessments of computer software and Techno-archeology (the analysis of software development
14 projects). I have experience in the design, development, and analysis of computer software, and
15 have previously provided both trial and deposition testimony as an expert for matters in state and
16 federal courts, authored a number of papers, and delivered lectures on technology to the legal
17 profession.

18 3. I have over forty-four (45) years of personal experience as a software developer
19 and consultant, including the development of web-based systems, and secure online data access
20 systems used by banks, insurance companies, hospitals, and telecommunication providers. I have
21 extensive experience in the design, implementation, and ongoing administration of databases and
22 multi-dimensional data aggregation systems, such as data marts and data warehouses used to
23 support business analysis.

24 4. I have been trained in forensic analysis of computer software in the specific
25 context of copyright infringement and trade secret analyses, and I have previously qualified as an
26 expert in state and federal courts to testify about the operation of computer software and computer
27 systems, including for matters that involve software copyright and trade secret disputes.
28

1 5. In this matter, with support from my colleagues at JurisLogic, I have reviewed
2 computer-based evidence, including images of computer systems used by some of Rimini's
3 customers, file listings and metadata from the computer systems of other Rimini customers, and
4 files produced for my inspection by both Rimini and Oracle. We also reviewed technical
5 documents, emails, and deposition transcripts relating to the technology at issue in this matter.

6 6. I have been informed by Oracle's attorneys that Rimini Street has produced a
7 number of documents that have the phrase "Dev Instruction" in the title of the document.

8 7. As part of my analysis, I have reviewed Rimini's July 18, 2019 Corrected
9 Supplemental Responses to Oracle's First Supplemental Interrogatories; Rimini's August 22,
10 2019 Responses to Oracle's Third Supplemental Requests for Productions; Rimini's September 3,
11 2019 Second Supplemental Responses with Exhibit D-1 to Oracle's Supplemental Interrogatory
12 No. 5; and Rimini's September 30, 2019 Responses to Oracle's Sixth Supplemental Requests for
13 Production. Based on this review, it is my understanding that Dev Instruction documents are
14 [REDACTED]
15 [REDACTED]
16 [REDACTED].

17 8. Attached as Exhibit 1 is a true and correct copy of a document titled
18 "[REDACTED]" that bears the Bates number RSI006953654. For
19 reference purposes, I have added line numbers in the left-hand margin of this Exhibit.

20 9. Attached as Exhibit 2 is a true and correct copy of a document titled
21 "[REDACTED]" that bears the Bates number RSI006865952. For reference
22 purposes, I have added line numbers in the left-hand margin of this Exhibit.

23 10. At my direction, my colleagues at JurisLogic used the Araxis Merge software to
24 generate a side-by-side comparison of RSI006953654 and RSI006865952. A true and correct
25 copy of this side-by-side is attached hereto as Exhibit 3.

26 11. Based on my analysis of the contents of these files, their metadata, and the side-
27 by-side comparison of these files attached as Exhibit 3, it is my opinion that RSI006865952 is a
28

1 preliminary draft Dev Instruction document for the [REDACTED] update and that RSI006953654
2 is a later, final draft Dev Instruction document for the same [REDACTED] update. I note that the
3 filenames for the documents contain an extra zero in the update, "[REDACTED]" instead of
4 "[REDACTED]".

5 12. Based on my review of RSI006865952, it is my opinion that this file contains
6 excerpts of Oracle source code. Line 3 of RSI006865952 references the filename [REDACTED]
7 Upon analyzing RSI006865952, I have identified several lines that contain excerpts of source
8 code. At my direction, my colleagues at JurisLogic searched Oracle GA and were able to find
9 Oracle GA source code files named [REDACTED] that contain some of the lines of code in the
10 RSI006865952. Based on these results, it is my opinion that lines 37 and 38 of the draft Dev
11 Instruction document RSI006865952 were copied from lines 217 and 224 of the Oracle source
12 code file [REDACTED] (HRMS 8.3), a true and correct excerpted copy of which is attached hereto
13 as Exhibit 4. For reference purposes, I have added line numbers in the left-hand margin of
14 Exhibit 4.

15 13. Based on my analysis of the side-by-side attached as Exhibit 3 and my experience
16 in the field, it is my opinion that the changes made to lines 37 and 38 in RSI006865952 that are
17 found in lines 39 to 40 of RSI006953654 serve no technical purpose and were made to obscure
18 the presence of this Oracle code.

19 14. Based on my review of RSI006865952, it is my opinion that this Dev Instruction
20 document directs Rimini developers to delete the Oracle source code identified at lines 37 and 38
21 of RSI006865952 from the Oracle file [REDACTED] and to replace it with the code found on lines
22 42 to 62. It is also my opinion that even after changes, lines 39 to 40 of the final draft Dev
23 Instruction document RSI006953654 contain this same directive.

24 15. Based on my analysis of the side-by-side attached as Exhibit 3, it is also my
25 opinion that the phrase [REDACTED] on lines 12, 42, and 67
26 of the final Dev Instruction document RSI006953654 are not present in the draft Dev Instruction
27 document RSI006865952. Based on my experience in the field, it is my opinion that these lines
28

1 serve no technical purpose.

2 16. I have been informed by Oracle's attorneys that Rimini has provided Oracle with
3 access to the online JIRA software that it uses to track its development process. At my request,
4 Oracle's attorneys have provided me with access to this system. Based on my analysis of
5 Rimini's JIRA system, it is my opinion that Rimini uses this tool to track its development.

6 17. At my request, Oracle's attorneys have created screenshots of JIRA entry [REDACTED]
7 [REDACTED], a true and correct excerpted copy of which is attached hereto as Exhibit 5 [REDACTED]).
8 It is my opinion that this screenshot is a true and correct representation of this JIRA entry.

9 18. At my request, Oracle's attorneys have created screenshots of JIRA entry [REDACTED]
10 [REDACTED], a true and correct excerpted copy of which is attached hereto as Exhibit 6 [REDACTED]).
11 It is my opinion that this screenshot is a true and correct representation of this JIRA entry.

12 19. At my request, Oracle's attorneys have created screenshots of JIRA entry [REDACTED]
13 [REDACTED], a true and correct excerpted copy of which is attached hereto as Exhibit 7 [REDACTED].
14 It is my opinion that this screenshot is a true and correct representation of this JIRA entry.

15 20. Based on my analysis of Exhibit 6 ([REDACTED]), it is my opinion that the
16 [REDACTED] on page 3 show Rimini's process of [REDACTED]
17 [REDACTED], to [REDACTED], [REDACTED]
18 [REDACTED]. It is my
19 understanding that Rimini developers also [REDACTED]
20 [REDACTED]. I note that page 1 indicates that the Update ID
21 for this entry is [REDACTED], that it was [REDACTED], and that it was [REDACTED]
22 [REDACTED]. I also note that on page 3, [REDACTED] identifies [REDACTED] and [REDACTED] as [REDACTED]
23 [REDACTED]

24 21. Based on my analysis of Exhibit 7 ([REDACTED]), it is my opinion that JIRA entry
25 [REDACTED] also shows Rimini's process of [REDACTED]
26 [REDACTED], which I understand Rimini developers
27 also refer to as [REDACTED]. The description on page 2 directs the Rimini engineer to a
28

location on Rimini's system [REDACTED]
[REDACTED]
[REDACTED] I note that the first page of
this JIRA entry indicates that [REDACTED] and [REDACTED]. I
note that the title of this JIRA entry on page one refers to the Update ID [REDACTED]. I also note
that on page 2, [REDACTED] are identified as [REDACTED]. I also note that on page
3 shows the developer changing the [REDACTED] for the [REDACTED] in the description from
[REDACTED]
[REDACTED] to [REDACTED]
[REDACTED] This change was made at [REDACTED]

22. Based on my analysis of Exhibit 5 [REDACTED]), it is my opinion that page 2
shows that [REDACTED] on JIRA that contain [REDACTED]

[REDACTED]. I also note that page 2 contains the following [REDACTED]
[REDACTED]
[REDACTED] I note that pages 3 and 4 show that

Rimini developers [REDACTED], including [REDACTED]
on page 3. I also note that page 5 shows a change to [REDACTED], where the [REDACTED]
[REDACTED] was changed from [REDACTED]
[REDACTED]"

I declare under penalty of perjury under the laws of the United States that the foregoing is
true and correct and that this declaration is executed at Chicago, Illinois, on December 6, 2019.

Dated: December 6, 2019

Barbara Ann Frederiksen-Cross

Barbara Frederiksen-Cross